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21 August 1969

OGC Subject:
CHUYEN, THAI KHAE

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Representative Peter Rodino
re Green Beret Case

1. In response to the request of Representative Peter Rodino (D., N.J.), I met this afternoon with him and Mr. Gerry Zeitman, on the staff of Mr. Rodino's Judiciary Subcommittee, who has been working for Mr. Rodino on the Green Beret case.
2. Rodino said that he had this morning received a phone call from one of the defendants, Captain Robert Marasco, who is from Rodino's New Jersey district, during which Marasco said:
 - a. testimony given by Agency representatives before Colonel Harold Seaman, Army investigating officer, was "a pack of lies;"
 - b. however, the Agency is claiming "executive immunity" and avoiding response to a number of questions. If the Agency sticks to this line, the cases against the defendants are expected to fall apart for lack of evidence;
 - c. on the other hand, if the Agency "talks too much" and tries to incriminate the defendants, there are "lots of people" who are ready to tell all they know and this will make "a hell of a mess" for the whole U.S. establishment in Vietnam;
 - d. all the accused plan to stick together in conducting their defense.

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3. Rodino explained that his only concern was to see that Marasco and the other defendants are not made scapegoats "for someone else's mistakes." I asked Rodino if this "someone else" referred to the Agency. He said not necessarily, but he did suspect that "somebody up the line" might be trying to pass the buck, and he felt strongly that at least Marasco and probably the others felt they were doing what had to be done and shouldn't be punished for it. Rodino said that if the case gets blown up into a big public controversy it would be seriously damaging to all concerned, and he hopes it can be quieted down, possibly by dismissal of the charges. He said that if it is still unresolved when Congress reconvenes, Mendel Rivers and a number of other congressional leaders will "give it a thorough going over."

4. I said I appreciated being informed of Marasco's call and I fully agreed that public controversy would be unfortunate from the standpoint of all concerned. However, I emphasized that it was strictly an Army case and that the Agency had no part in it since 30 June, when we passed on to General Abrams the information provided by Sergeant Smith, except that one of our officers had testified to Colonel Seaman regarding the facts on which I had briefed Rodino on August 20.

5. Rodino said that one of the defense lawyers, Henry Rothblatt, was expected in Washington this weekend and Rodino would like to know what he should tell Rothblatt about our conversations. I said I had hoped the knowledge of these conversations could be kept strictly between us but since they had been mentioned in the press, if Rothblatt pressed Rodino regarding their content Rodino should refer Rothblatt to us rather than pass to Rothblatt what we had told Rodino. This he agreed to do.


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6. Rodino assured me he would tell no one of our conversation today, but remarked that yesterday the press had given him a "rough going over" as to what he had learned from our previous conversation. He said he had tried to say as little as possible, but got a number of questions along the line of "do you really believe what those Agency people tell you? "

7. Rodino's general attitude was friendly and reasonable, but he appears genuinely convinced that Marasco is getting a raw deal and presumably will use anything he can get his hands on in Marasco's defense.

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Legislative Counsel

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